

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA**

United States of America,)
)
Plaintiff,) **INTERSTATE AGREEMENT ON**
) **DETAINERS ORDER**
vs.)
) Case No.: 1:19-cr-080
Lyman Joel Black Cloud,)
)
Defendant.)

On June 27, 2019, defendant made his initial appearance and was arraigned in the above-entitled action. AUSA Brandi Sasse Russell appeared on behalf of the United States. Attorney Ericka Woehl was appointed to represent defendant in this matter and appeared on his behalf.

Prior to his initial appearance, defendant was incarcerated by the State of North Dakota at the North Dakota State Penitentiary (“NDSP”) in Bismarck, North Dakota. After the Indictment in this case was returned and an arrest warrant issued, a detainer was filed by the United States with the North Dakota prison officials. Pursuant to the Interstate Agreement on Detainers Act (“IADA”), defendant’s appearance before this court for his initial appearance and arraignment was secured by a writ of habeas corpus *ad prosequendum*.

At his initial appearance and arraignment, defendant was advised of his rights under the IADA to continued federal custody until the charges set forth in the Indictment are adjudicated. Defendant waived in open court the anti-shuttling provisions of the IADA and agreed to return to the custody of the State of North Dakota (the “sending state” under the IADA) at the NDSP pending further proceedings in this case initiated by the United States (the “receiving state” under the IADA).

The court accepts defendant's waiver, finding that it was made knowingly and intelligently, voluntarily, and upon advice of counsel. Accordingly, defendant is remanded to the custody of the United States Marshal's Service for the purpose of returning defendant to the custody of the "sending state," where he shall be housed pending further proceedings or until further order of the court. Further, pursuant to defendant's waiver, the return of the defendant to his place of incarceration pending trial shall not be grounds under the IADA for dismissal of the charges set forth in the Indictment.

Dated this 27th day of June, 2019

/s/ Clare R. Hochhalter

Clare R. Hochhalter, Magistrate Judge
United States District Court